THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.240 of 2007

Date:18.01.2007

V.Kesahava Rao

----------Petitioner

Divisional Electrical Engineer and others.

----------Respondents

ORDER:

Petitioner is a lessee in respect of premises bearing Door No.9-12/1, at Sri Ram Nagar Colony, Peerzaguda, Uppal Mandal, Ranga Reddy District. His lessor purchased the said premises from one Mr.D.Jaipal. When there was some dispute as to the purchase, his lessor filed O.S.No.565 of 2004 in the Court of Principal Senior Civil Judge, Ranga Reddy District, for specific performance of an agreement of sale; and the suit was decreed on 05.06.2006. It is stated that in pursuance of the decree, a sale deed was executed in favour of the lessor of the petitioner.

After obtaining the premises on lease, the petitioner secured electric power supply for the same. The petitioner represents that he is paying the consumption charges regularly. His grievance is that the power supply was disconnected by the respondents, on the ground that the original owner of the premises committed default in payment of consumption charges, referable to previous

years. This writ Petition is filed with a prayer to direct the respondents to restore the power supply to the said premises.

Sri N.Pramod, learned counsel for the petitioner submits that the ownership of the premises is no longer with Mr.Jaipal, who is said to be in arrears of consumption charges, and that the respondents have not issued any notice or initiated proceedings, before effecting disconnection of power supply. He further contends that when the respondents sought to proceed against Jaipal, for recovery of arrears of consumption charges, he approached this Court by filing W.P.No.18201 of 2006 and obtained an interim order in W.P.M.P.No.22862 of 2006. Learned counsel ultimately submits that there was absolutely no justification for the respondents in disconnecting the power supply abruptly.

Sri M.Sreeramulu Reddy, the learned Standing Counsel for the respondents, on instructions, submits that as regards the same premises, there existed a different service connection and it is permissible for the respondents to disconnect the power supply for the same premises, through another service connection, if there existed arrears.

The only ground, on which the power supply to the

premises of the petitioner was disconnected, is that there existed arrears, payable by D.Jaipal, in respect of the same premises. The ownership of the premises has since changed. In pursuance of a decree in O.S.No.565 of 2004, the lessor of the petitioner herein became the owner of the premises. Another important aspect, which needs to be taken note of, is that the original owner of the premises approached this Court by filing W.P.No.18201 of 2006, when the respondents sought to proceed against him to recover the arrears. An interim order was passed by this Court on 01.09.2006 in that Writ Petition. The net result is that a) Jaipal is no longer the owner of the premises; and b) the efforts made by the respondents to proceed against him were scuttled by this Court by an interim order.

Under these circumstances, there was absolutely no justification for the respondents in disconnecting the power supply. Further, no proceedings were initiated nor any notice was issued to the petitioner before the power supply was disconnected.

For the foregoing reasons, the Writ Petition is allowed and the respondents are directed to restore the power supply to the premises of the petitioner forthwith. There shall be no order as to costs.

18.01.2007

Note: Issue C.C. in three (3) days.

(B/o)

JSU

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